

REMARKS

Applicants amend claims 4 and 6. Upon entry of this amendment, claims 4-5, 10-11, and 14 are pending, of which claims 4 and 14 are independent. Applicants respectfully submit that the pending claims define over the art of record.

I. Claim Rejection Under 35 U.S.C. §103

Claims 4-7, 10, and 11 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,158,537 (“Nonobe”) in view of U.S. Patent No. 6,777,909 (“Aberle”), and further in view of U.S. Patent No. 6,380,638 (“Bitsche”).

Applicants respectfully submit that the combination of the Nonobe, Aberle and Bitsche references does not disclose or suggest the limitation of using the power storage device to supply electrical power to the driving motor and the auxiliary equipment, as recited in independent claims 4 and 14.

In the Office Action, the Examiner newly cites Bitsche and alleges that Bitsche disclose this feature. The Examiner refers to the standstill mode of the Bitsche reference as corresponding to the idle stop mode of claims 4 and 14. (Office Action, page 4). Applicants respectfully disagree.

The Bitsche reference discloses a hybrid drive for an electric vehicle including a fuel cell (1) and an energy store (2). The Bitsche reference discloses that the electrical power is provided from the fuel cell (1) and/or an energy store (2) to a traction motor (3) and/or auxiliary loads (4) using switching devices (S6, S9, S11, S12). (Bitsche, Figure 1). In the Bitsche reference, the auxiliary loads (4) are connected to the fuel cell (1) in a first standstill mode, and to the energy store (2) in a second standstill mode. (Bitsche, Table 1).

In contrast, the present application uses two different power generation control modes: an idle charge mode and an idle stop mode. When an idle stop mode is selected, electrical generation by the fuel cell is stopped, but the fuel cell vehicle can keep traveling and the auxiliary equipment are still kept driven. Accordingly, when the idle stop mode is

unintentionally executed by a driver, the driver does not feel something is wrong since the fuel cell vehicle can be still traveling and the driving of the auxiliary equipment is still continued.

The Bitsche reference, however, does not disclose or suggest using the power storage device to supply electrical power to the driving motor and the auxiliary equipment in the idle stop mode, as recited in claims 4 and 14. The Bitsche reference discloses that the traction motor is not in operation in the standstill mode. In comparison, the present application supplies power from the power storage device to the traction motor in the idle stop mode. The Bitsche reference does not disclose or suggest that electrical power is supplied from the power storage device to the traction motor in the idle stop mode.

For at least the reasons set forth above, combination of the cited references does not disclose or suggest all of the features of independent claims 4 and 14. Applicants respectfully request that the Examiner reconsider and withdraw the rejection of independent claims 4 and 14.

Applicants note that the dependent claims also recite this subject matter. As such, for this and the reasons set forth above, the dependent claims also define over the art of record.

II. Conclusion

Applicants believe no fee is due with this statement. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. SIW-063RCE from which the undersigned is authorized to draw.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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